

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.: 4:24-CV-10017-JEM

AKARI JOHNSON and  
HAZEL THOMPSON

Plaintiffs,

v.

MMI 82, LLC,  
and THE ENTHUSIAST LLC,

Defendants.

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**THE ENTHUSIAST LLC'S ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFFS' COMPLAINT**

Defendant, THE ENTHUSIAST LLC ("Defendant" or "The Enthusiast"), through undersigned counsel, hereby timely files *The Enthusiast LLC's Answer and Affirmative Defenses to Plaintiffs' Complaint*, and states:

**ANSWER TO COMPLAINT**

A. Except as expressly admitted or qualified below, each and every statement, allegation, contention, or insinuation of the *Complaint* is denied.

B. The *Complaint's* headings are reproduced herein for ease of reference only. Defendants do not accept, and expressly reject, both the contentions in the headings and characterizations of the pleadings as set forth in those headings.

C. Capitalized terms not otherwise defined herein shall have meanings expressly ascribed to them in the *Complaint*. Plaintiffs AKARI JOHNSON and HAZEL THOMPSON shall be referred to herein as "Plaintiffs".

D. Numbered paragraphs 1 through 224 of this *Answer* correspond to the numbered paragraphs of the *Complaint*.

E. Defendant has retained the undersigned law firm to represent their interests in this matter and is obligated to pay their attorneys a reasonable fee for services provided in connection with this matter. Moreover, Defendant is entitled to recover its reasonable attorneys' fees or costs as provided by law or agreement.

### **INTRODUCTION**

1. The Enthusiast did not employ the Plaintiffs, it has no affiliation with the Plaintiffs, and therefore has no response.

2. Defendant admits the nature of the action; however, denies that the Plaintiffs are entitled to relief.

### **PARTIES**

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint and therefore the allegations are denied.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint and therefore the allegations are denied.

5. Defendant admits the allegations in Paragraph 5 of the Complaint.

6. Admitted that Defendant maintains a website. As to the remainder of the allegations, they are ambiguous, vague, and compound and are therefore denied as phrased.

7. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

8. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

9. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

10. Paragraph 10 consists of legal statements and conclusions to which no response is required. To the extent a response is required, Defendant denies such legal statements and conclusions, and denies, again, that it was Plaintiffs' employer.

11. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

### **JURISDICTION AND VENUE**

12. Admitted that this Court has jurisdiction. Denied as to any validity of this action and as to any liability of Defendant to Plaintiffs.

13. Admitted that venue is proper. Denied as to any validity of this action and as to any liability of Defendant to Plaintiffs.

### **FACTUAL ALLEGATIONS**

14. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

15. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

16. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

17. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

18. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

19. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

20. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

21. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

22. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

**Defendants Unlawfully Denied Plaintiffs Overtime in Violation of the FLSA**

23. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

24. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

25. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

26. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

27. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

28. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

29. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

30. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

31. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

32. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

33. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

34. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

35. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

36. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

37. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

38. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

39. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

40. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

41. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

42. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

43. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

44. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

45. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

46. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

47. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

48. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

49. Denied.

**Defendants Unlawfully Discriminated Against Plaintiffs on the Basis of their Race and Color**

50. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

51. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

52. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

53. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

54. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

55. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

56. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

57. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

58. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

59. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

60. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

61. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

62. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

63. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

64. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

65. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

66. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

67. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

68. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

69. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

70. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

71. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

72. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

73. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

74. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

75. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

76. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

77. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

78. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

**Defendants Unlawfully Retaliated Against Plaintiffs**

79. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

80. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

81. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

82. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

83. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

84. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

85. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

86. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

87. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

88. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

89. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

90. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

91. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

92. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

93. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

94. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

95. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

**CAUSES OF ACTION**  
**COUNT I**  
**42 U.S.C. § 1981**  
**RACE AND COLOR DISCRIMINATION**  
**(Plaintiff Johnson against all Defendants)**

96. No response to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

97. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

98. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

99. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

100. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

101. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

102. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

103. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

104. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

105. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

106. No response to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

107. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

108. Denied.

109. Denied.

**COUNT II**  
**42 U.S.C. § 1981**  
**HOSTILE WORK ENVIRONMENT**  
**(Plaintiff Johnson against all Defendants)**

110. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

111. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

112. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

113. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

114. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

115. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

116. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

117. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

118. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

119. No response to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

120. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

121. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

122. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

123. Denied.

**COUNT III**  
**42 U.S.C § 1981**  
**RETALIATION**  
**(Plaintiff Johnson against all Defendants)**

124. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

125. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

126. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

127. A legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

128. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

129. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

130. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

131. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

132. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

133. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

134. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

135. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

136. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

137. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

138. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

139. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

140. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

141. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

142. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

143. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

144. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

145. Denied.

**COUNT IV**  
**42 U.S.C. § 1981**  
**RACE AND COLOR DISCRIMINATION**  
**(Plaintiff Thompson against all Defendants)**

146. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

147. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

148. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

149. A legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

150. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

151. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

152. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

153. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

154. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

155. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

156. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

157. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

158. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

159. Denied.

**COUNT V**  
**42 U.S.C. § 1981**  
**HOSTILE WORK ENVIRONMENT**  
**(Plaintiff Thompson against all Defendants)**

160. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

161. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

162. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

163. A legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

164. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

165. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

166. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

167. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

168. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

169. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

170. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

171. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

172. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

173. Denied.

**COUNT VI**  
**42 U.S.C. § 1981**  
**RETALIATION**  
**(Plaintiff Thompson against all Defendants)**

174. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

175. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

176. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

177. A legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

178. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

179. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

180. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

181. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

182. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

183. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

184. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

185. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

186. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

187. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

188. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

189. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

190. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

191. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

192. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

193. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

194. Denied.

195. Denied.

**COUNT VII**  
**29 U.S.C. § 207(1)**  
**VIOLATION OF THE FLSA**  
**(Plaintiff Johnson against all Defendants)**

196. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

197. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

198. A quotation from a statute does not require a response. To the extent a response is required, denied as to any application to Defendant.

199. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

200. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

201. A quotation from a statute or legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

202. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

203. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

204. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

205. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

206. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

207. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

208. Denied.

209. Denied.

**COUNT VIII**  
**29 U.S.C. § 207(1)**  
**VIOLATION OF THE FLSA**  
**(Plaintiff Thompson against all Defendants)**

210. No response is required to this allegation. To the extent a response is required, Defendant restates its responses to these allegations as if fully restated herein.

211. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

212. A quotation from a statute or legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

213. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

214. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

215. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

216. A quotation from a statute or legal conclusion does not require a response. To the extent a response is required, denied as to any application to Defendant.

217. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

218. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

219. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

220. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

221. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

222. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

223. Denied as to the ENTHUSIAST; as to the remainder, without knowledge, therefore denied.

224. Denied.

In answering the unnumbered WHEREFORE clause following Paragraph 224 of the Complaint, Defendant denies Plaintiffs are entitled to any relief whatsoever and, instead, Defendant demands recovery of its recovery attorneys' fees and costs from Plaintiffs for the

defense of this action to the greatest extent permitted by law, including, but not limited to, Rule 11 and/or § 57.105, Fla. Stat. (2023).

### **AFFIRMATIVE DEFENSES**

Without assuming the burden of proof where it otherwise rests with Plaintiff and without admitting any of the allegations or claims in the Complaint, Defendant pleads the following defenses to the Complaint. Defendant reserves the right to plead additional defenses at such time and to such extent as warranted by discovery and the factual developments in this case.

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim against the Defendant upon which relief can be granted. Among other things, The Enthusiast did not employ the Plaintiffs, it has no affiliation with the Plaintiffs.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim against the Defendant upon which relief can be granted. Among other things, the allegations in Plaintiff's Complaint lack factual support.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims for injuries and damages resulting from occurrence alleged in the operative complaint are barred, or in the alternative, are subject to reduction, by any benefits paid or payable.

#### **FOURTH AFFIRMATIVE DEFENSE**

Any damages, which are expressly denied, were not the result of Defendant's actions or omissions.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff is precluded from recovering any alleged or purported damages which are speculative, uncertain, or incapable of calculation.

**RESERVATION OF RIGHTS**

Defendant hereby reserves the right to assert any additional defenses or matters in avoidance that may be disclosed during the course of additional investigation and discovery.

**DEMAND FOR JURY TRIAL**

Defendant demands a trial by jury on all issues so triable.

WHEREFORE, having fully answered or otherwise responded to the allegations contained in Plaintiff's Complaint, Defendant THE ENTHUSIAST, LLC, demands final judgment in its favor, which provides that Plaintiffs AKARI JOHNSON and HAZEL THOMPSON, take nothing from his Complaint and that Defendant THE ENTHUSIAST, LLC, shall recover from Plaintiffs AKARI JOHNSON and HAZEL THOMPSON, its taxable costs incurred (including any attorneys' fees which may be recoverable under the circumstances), including pre-judgment interest on any liquidated sums and post-judgment interest, and for all such other relief which the Court deems appropriate under the law.

**[CERTIFICATE OF SERVICE ON FOLLOWING PAGE]**

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document has been furnished to the following by e-mail or e-service on November 1, 2024:

**Daneil J. Barroukh, Esq.**, Derek Smith Law Group, PLLC, 520 Brickell Key Drive, Suite O-301, Miami, Florida 33131, [danielb@dereksmithlaw.com](mailto:danielb@dereksmithlaw.com), [kyle@dereksmithlaw.com](mailto:kyle@dereksmithlaw.com), [david@dereksmithlaw.com](mailto:david@dereksmithlaw.com).

**ALMAZAN LAW**

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/s/ Johanna Castellon-Vega

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